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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,248	06/26/2003	Marissa A. K. Schultz	J-3554A	4499
28165	7590	07/09/2004	EXAMINER	
S.C. JOHNSON & SON, INC. 1525 HOWE STREET RACINE, WI 53403-2236			NGO, LIEN M	
			ART UNIT	PAPER NUMBER
			3727	

DATE MAILED: 07/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/606,248	SCHULTZ ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	LIEN TM NGO	3727	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 26 June 2003.

2a) This action is **FINAL**.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-18 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-18 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 8/21/03.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 4, 6, 11 and 13 are objected to because of the following informalities:

In claims 1 and 6, “a height”, “a portion” and “an air pocket” should be – the height--, -- the portion—and –the air pocket--, respectively.

In claims 11 and 13, “a height” and “an air pocket” should be – the height – and – the air pocket --, respectively.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-6, 9-13 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Bartholomew (5,027,972). Bartholomew discloses, in figs. 3 and 5, a container comprising a bowl 10, a lid 6, a cup 6 being detachably securable to the underside of the lid by a securing means 32, 36, wherein when the lid is placed underneath the bowl, the bowl is supported at a height above at least a portion of the lid such that an air pocket is defined between the bowl and the portion of the lid. The cup securing means comprising a stepped portion 36 and a recess 32. The bowl includes a four-sided rim that is wider (longer) on two opposite sides than on the other two opposite sides.

***Claim Rejections - 35 USC § 103***

4. Claims 7, 8, 14, 15, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bartholomew in view of Littlejohn et al. (5,377,860).

Bartholomew does not disclose the rim of the bowl comprising a pair of snap tabs and having two opposite sides being wider than the other two opposite sides. Littlejohn et al. teach, in fig. 1, a container comprising a rim of a bowl having a pair of snap tabs and two opposite sides being wider than the other two opposite sides.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the Bartholomew container with the rim of the bowl comprising a pair of snap tabs and having two opposite sides being wider than the other two opposite sides, as taught by Littlejohn, in order to facilitate the handling and securing of the container.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Retelny and Snyder teach containers having and two opposite sides being wider than the other two opposite sides.

Murdrick et al. teach a container having a cup removably attached to a lid.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LIEN TM NGO whose telephone number is 703-305-0294. The examiner can normally be reached on Monday through Friday from 8:30 AM -6:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, LEE YOUNG can be reached on 703-308-2572. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lien Ngo

July 2, 2004

A handwritten signature in black ink, appearing to read "Lien Ngo".